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महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
कलम ३७(१) अन्वये अधिसूचना

बृहन्मुंबई विकास नियंत्रण नियमावलीतील नियम ३३(१६) मध्ये
मंजूर फेरबदलाची अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांक: टिपीबी-४३०८/१९९१/प्र.क्र.१५३/१००८/नवि-११
मंत्रालय, मुंबई : ४०० ०३१, दिनांक : ७ जुलै, १०१०.

शासन निर्णय:- सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात
यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(राजेंद्र हाबडे)

अवर सचिव, महाराष्ट्र शासन.

प्रति,

आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
प्रधान सचिव, उद्योग विभाग, मंत्रालय, मुंबई.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
उप सचिव, नगर रचना, मंत्रालय, मुंबई.
प्रमुख अभियंता (वि.यो.), बृहन्मुंबई महानगरपालिका, मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण
राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग,
(नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेंट, आझाद मैदान,
मुंबई-१ यांना पाठविण्यात याव्यात.)

✓ कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित
करणाबाबत आवश्यक ती कार्यवाही करावी)

निवडनस्ती (नवि-११).

Maharashtra Regional and Town Planning Act, 1966.

- Modification under section 37(2) of MR&TP Act.
- Modification to Development Control Regulation for Gr. Mumbai regarding Development of IT/ITES/IT supported Financial Services.

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
Dated 7th July, 2010.

NOTIFICATION

No. TPB 4308/2991/CR-253/08/UD-11:

Whereas, the Development Control Regulations of Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by the Government vide Urban Development Department Notification No. DCR 1090/RDP/UD-11 dated 20th February, 1991, under section 31(1) of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25/3/1991;

And whereas, Government in Urban Development Department vide Notification No. TPB 4398/1234/CR-201/98/UD-11 dated 17th February, 2000 had sanctioned amendment to Regulation No. 33(16) of the said Regulations which inter alia provides for grant of additional FSI to the extent of 100% over and above the permissible FSI to the buildings of Information Technology Establishment (pertaining to software only) setup by Public Bodies like MHADA, SEEPZ, MIDC, SICOM, CIDCO or their joint venture companies having more than 51% stakes of these bodies.

And whereas, for effective implementation of Information Technology (IT)/ Information Technology Enabled Services (ITES) and to achieve rapid growth of the IT/ITES industries, Govt. vide its notification No. TPE 4303/CR-192/03/UD-11 dated 8th January, 2004 had issued directions under section 37(1) read with 154 of the said Act to initiate modification to regulation 2(100) and 33(16) of the said Regulations, so as to grant 100% additional FSI to all IT and ITES units in public IT parks approved by Director of Industries;

And whereas, Industry, Energy & Labour Department vide its resolution No. IIP 2007/CR-1732/Ind-2 dated 3/5/2007 had permitted financial services in 60%/80% built-up area earmarked for IT/ITES on the condition that minimum 50% shall be exclusively used for IT/ITES activities.

And whereas, in order to support the efforts to develop Mumbai as an International Financial Centre and to generate more employment in Financial Services and also by considering the increased demand from investors for financial services, the Govt. in Industry, Energy & Labour Department vide its Resolution No. IMC 2008/CR-46/Ind-2 dated 13/8/08, further decided that the above 80% of total FSI shall be used for IT/ITES/Financial Services, as specified in the Resolution therein (hereinafter referred to as "the said modification");

And whereas, Govt. find it necessary to modify the said regulations considering the above decision of Industry, Energy & Labour Department and the said modification is in public interest;

And whereas, in exercise of the powers conferred in sub-section (1AA) of section 37 of the said Act, Government had issued the notice of even No. dated 20th October, 2008 (hereinafter referred to as "the said notice") for inviting suggestions/objections from any person with respect to the said modification and appointed an officer under section 162 of the said Act (hereinafter referred to as "the said officer") to submit the report to Govt., after scrutinizing the suggestions/objections on the said modification and say of the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") thereon;

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 13th November, 2008 and in the newspaper namely Business Standard (English) dated 6/11/2008;

And whereas, the said officer has submitted its report through Director of Town Planning vide letter No. DDTP/Brihanmumbai/DCR33(16)/37(1AA)/24 dated 6/1/09;

And whereas, after considering the report of the said officer, suggestions/objections received from general public, say of the said Corporation and report of the Director of Town Planning, Maharashtra State, Government is of opinion that the said modification shall be sanctioned with some changes.

Now, therefore, in exercise of the powers conferred under section 37(2) of the said Act, the Government hereby:—

- A) Sanctions the modification to regulation 33(16) of the said regulations (more specifically described in the schedule attached herewith).
- B) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of this modification.
- C) Directs the said Corporation that, in the Schedule of Modification sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of the Governor of Maharashtra,


(Rajendra Habde)

Under Secretary to Government.

SCHEDULE

(Accompaniment with the Government in Urban Development Departments Notification No. TPB 4308/2991/CR-253/08/UD-11 dated 7th July, 2010).

Clause (16) of Regulation (33) shall be replaced as under -

Existing Provision

33(16) - Buildings of Information Technology Establishment:

The Commissioner may permit the floor space indices specified in Table No.14 above to be exceeded by 100%, subject to following conditions, in respect of -

- a) All IT and ITES units in Public IT Parks.
- b) All registered IT and ITES Units located in Private IT Parks, approved by Director of Industries in the State.

Conditions:

- (i) Additional FSI to IT/ITES units would be available to IT/ITES Parks duly approved by the Directorate of Industries.
- (ii) The additional FSI shall be granted upon payment of premium which shall be paid in the manner as may be determined by the Government. Such premium shall be recovered at the rate of 25% of the present day market value of the land under reference as indicated in the Ready Reckoner.
- (iii) 25% the total premium shall be paid to the Govt. and remaining 75% amount shall be paid to the said Authority.
- (iv) The premium so collected by the Planning Authorities

Sanction modification

33(16) - Buildings of Information Technology Establishment:

The Commissioner may permit the floor space indices specified in Table No.14 above to be exceeded by 100%, subject to following conditions, in respect of -

- a) All IT and ITES units in Public IT Parks.
- b) All registered IT and ITES Units located in Private IT Parks, approved by Director of Industries in the State.

Provided that maximum of 80% of the total FSI may be used for IT/ITES/IT supported Financial Services with the prior approval of the State Govt. and remaining 20% may be used for commercial services.

- c) The IT supported Financial services shall be restricted to the users specified by the Industry Deptt, in its Government Resolution IMC/2008/CR-46/IND-2 dated 13/8/08 and as may be amended from time to time by the High Power Committee and Industries Department.
- d) The additional FSI shall be granted upon the payment of premium. Such premium shall be recovered at the rate of 25% for IT/ITES users, 40% for the IT supported financial services and 100% for commercial users of the

shall be primarily used for development/ upgradation of off site infrastructure required for the IT/ITES park and the utilisation of this premium shall be monitored by the empowered committee.

- (v) In the event, the developer comes forward for provision of such off site infrastructure at his own cost, then the said Planning Authority shall determine the estimated cost of the works and shall also prescribe the standards for the work. After completion of the works the said Planning Authority shall verify as to whether the same is as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered by the said Planning Authority.

(vi) **Users/Services ancillary to the IT/ITES:**

While developing site for IT/ITES with additional FSI, users ancillary to the principal user, as may be approved by the Directorate of Industries shall also be allowed.

- (vii) No condonation in the required open spaces, parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI.

present market value of the land under reference as indicated in the Ready Reckoner.

Provided that 40% of the present market value of land under reference as indicated in the Ready Reckoner will be liable to be paid even if only a part of 80% of the total area is used for IT supported Financial Services.

- (e) 25% the total premium so charged shall be paid to the Govt. and remaining 75% shall be paid to the said Authority.
- (f) The premium so collected by the Planning Authorities shall be primarily used for development/ upgradation of off-site infrastructure.
- (g) In the event, the developer comes forward for provision of such off-site infrastructure at his own cost, then the said Planning Authority shall determine the estimated cost of the works and shall also prescribe the standards for the work. After completion of the works the said Planning Authority shall verify as to whether the same is as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered by the said Planning Authority.
- (h) Additional FSI for IT supported Financial Services & 20% commercial users will be applicable in those zones where the Development Control Regulation permit such use.
- (i) No condonation in the required open spaces,

parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI. However, in case of demonstrable hardship, the Municipal Commissioner of Municipal Corporation of Gr. Mumbai may relax any of these provisions.

[Handwritten signature]

(Rajendra Habde)
Under Secretary to Government.